

REMARKS

The amendments above and the remarks below are in response to an Office Action mailed in the above-listed patent application on March 22, 2007. In the Office Action, Claims 18-20 were rejected under 35 U.S.C. 112 for an alleged lack of clarity of the recitation "a support body secured to and configured to rotate about the vertical axis of the joint body." Claims 1-15 and 17-26 were rejected under 35 U.S.C. 102(b) over U.S. Pat. No. 3,750,994 to Bieschke ("the '994 patent") and related U.S. Pat. No. 3,191,663 to Bieschke ("the '663 patent").

With respect to the rejection under 35 U.S.C. 112, the present application describes an alternative embodiment in which the support body is rotatable about the vertical axis of the container support device. "In an alternate embodiment, the container support body 312 may be capable of rotating about the vertical axis A_v of the container support device 10." Paragraph 0031, last line of the present application. For clarity, Claim 18 has been amended to recite the vertical axis as being that of the attachment member. The rejection under 35 U.S.C. 112 has therefore been overcome.

The '994 patent discloses a mounting device for a projection screen. In particular, the '994 patent discloses a screen assembly 10 supported by a mounting device 12, as shown in Figure 1. A screen 18 is stored within a tubular casing 16 which is supported by the mounting device 12. End caps cover the ends of the tubular casing 16. The mounting device 12 includes a first, inverted U-shaped bracket 30 which is mounted for pivotal movement about a vertical axis by a bolt 34, as shown in Figures 3 and 4. A second, lower U-shaped bracket 45 is mounted to the upper bracket 30 by a pivot pin or bolt 54. The lower bracket 45 is retained in angular positions using detent recesses 64, 65 and 66. A cross-piece 46 of the lower bracket is secured to the casing 16 by a bolt 49.

It was alleged in the Office Action that the end caps (also illustrated using reference numbers 12 and 13 in the related '663 patent) are the equivalent of container supports. Applicant respectfully disagrees. First of all, the '994 and '663 patents are directed to support assemblies

for a projection screen which is wholly unrelated to the claimed container support device for medical fluids. Further, there is no teaching or suggestion in the '994 or '663 patents that the ends of the casing 16, or the caps thereon, are configured for, or capable of, supporting containers.

Even assuming for the sake of argument that one of ordinary skill in the art would consult the '994 or '663 patents for a teaching of a container support device, there is no indication by shape, orientation or otherwise that the ends of the casing 16, being smooth, constant diameter projections of the main body of the casing 16, or the smooth caps, with matching diameters to the casing 16, would support any type of container without that container falling off, especially a fluid container.

A disclosed embodiment of the present invention, however, shows that the container supports 18 are concavely shaped spindles with flared ends for securing a fluid container. Also, the supports 18 of the illustrated embodiment extend at an upward angle, and not perpendicular with respect to the vertical axis A_V , which should guard against slippage and spillage of the fluid container once mounted thereon.

The independent Claims 1, 18, 21 and 24 of the present application have been amended to recite that the claimed container supports are shaped and oriented to stably support the fluid container. As noted above, the casing and end caps of the '994 and '663 patents do not disclose any shaping or orientation that is particular to supporting fluid containers. The remaining Claims 2-15, 17, 19, 20, 22, 23, 25 and 26 depend from and further patentably distinguish the independent claims. The rejections under 35 U.S.C. 102(b) have therefore been overcome.

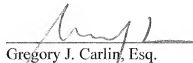
New Claims 27, 28 and 29 have been added reciting additional details about the shaping or orientation of the container supports.

Conclusion

In view of the remarks and amendments presented above, it is respectfully submitted that the pending claims of the present invention are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

If an appropriate payment does not accompany or precede this submission, the Commissioner is hereby authorized to charge any required fees, such as under 37 C.F.R. §§ 1.16 or 1.17, including any petition for extension of time, or to credit any overpayment, to Deposit Account No. 50-1225 (ECC-5764).

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